

Environmental Protection Agency

§ 3.302

(7) Rulemaking and policy matters which have a direct and predictable effect on the financial interests of companies in which the employee owns stock or has an official or employment relationships. Examples are discussed in appendix A to subpart A.

[49 FR 7530, Feb. 29, 1984, as amended at 50 FR 39623, Sept. 27, 1985]

§ 3.301 Waiver.

(a) The Designated Agency Ethics Official may waive the prohibition of 18 U.S.C. 208(a) for rulemaking and policy matters if the interest is not so substantial as to be deemed likely to affect the integrity of an employee's services. Employees may request such a waiver by submitting a written disclosure of the nature of the financial interest to the Designated Agency Ethics Official, together with a discussion of the employee's duties and the reasons why a waiver is appropriate.

(b) The prohibition of 18 U.S.C. 208(a) may also be waived by general regulation. Financial interests derived from the following have been determined to be too remote or too inconsequential to affect the integrity of employee's services, and employees may participate in matters affecting them:

(1) Mutual funds (including tax-exempt bond funds), except those which concentrate their investments in particular industries;

(2) Life insurance, variable annuity, or guaranteed investment contracts issued by insurance companies;

(3) Deposits in a bank, savings or loan association, credit union or similar financial institution;

(4) Real property used solely as the personal residence of an employee;

(5) Bonds or other securities issued by the U.S. Government or its agencies.

[49 FR 7530, Feb. 29, 1984, as amended at 50 FR 39623, Sept. 27, 1985]

§ 3.302 Financial Disclosure Reports and Confidential Statements of Employment and Financial Interest.

(a) The following employees (including employees expected to serve in an "acting" capacity for more than 60 days or who actually serve in such capacity for more than 60 days) are required to file public Executive Person-

nel Financial Disclosure Reports in accordance with 5 CFR part 734:

(1) Presidential appointees;

(2) Employees whose positions are classified at GS-16 or above of the General Schedule;

(3) Members of the Senior Executive Service;

(4) Administrative Law Judges appointed under 5 U.S.C. 3105;

(5) Schedule C employees;

(6) The Designated Agency Ethics Official, and

(7) Special Government employees whose basic daily rate of pay equals or exceeds the basic daily rate for GS-16 of the General Schedule and who are expected to perform more than 60 days of actual service during a 365 day period. (If such employees are not expected to perform more than 60 days of actual service, but nonetheless exceed 60 days, reports are due within 15 days after the 60th day of actual service.)

(See 5 CFR part 734 for reporting requirements for Presidential nominees.)

Financial Disclosure Reports must be submitted to the Designated Agency Ethics Official within 30 days after an employee assumes a covered position (unless the employee has left another covered position in the Executive Branch within the previous 30 days), by May 15 of each year (unless the Designated Agency Ethics Official or the Office of Government Ethics grants an extension) and within 30 days after leaving a covered position (unless the employee assumes another covered position in the Executive Branch within 30 days). These reports are available to the public. However, the Designated Agency Ethics Official may charge for direct reproduction costs at the rate set forth in 40 CFR 2.120(g). The Designated Agency Ethics Official may also require prepayment of any fee in accordance with 40 CFR 2.120(c) and waive fees under the circumstances described in 40 CFR 2.120(d).

(b) In addition, all employees in the following positions in grades GM or GS-13 or above (or comparable levels under other pay systems) must file Confidential Statements of Employment and Financial Interests unless they are required to file public Executive Personnel Financial Disclosure Reports: